
By: **Senators Middleton, Dyson, and Teitelbaum**
Introduced and read first time: February 26, 2003
Assigned to: Rules
Re-referred to: Finance, March 3, 2003

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Maryland Health Care Commission - Hospice Care - Prohibition**

3 FOR the purpose of prohibiting the Maryland Health Care Commission from granting
4 a person that operates a hospice care program a statewide certificate of need or
5 authority to operate the hospice care program statewide through a Commission
6 ruling or determination; ~~requiring the Commission to review certain rulings and~~
7 ~~determinations for a certain purpose~~ providing that a person may only operate a
8 general hospice care program under certain conditions; and generally relating to
9 the Maryland Health Care Commission and hospice care programs.

10 BY repealing and reenacting, without amendments,
11 Article - Health - General
12 Section 19-101
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Health - General
17 Section 19-906
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 19-101.

3 In this subtitle, "Commission" means the Maryland Health Care Commission.

4 19-906.

5 (a) To qualify for a license, an applicant and the hospice care program and its
6 medical director shall meet the requirements of this section.7 (b) An applicant who is an individual, and any individual who is applying on
8 behalf of a corporation, association, or government agency shall be:

9 (1) At least 18 years old; and

10 (2) Of reputable and responsible character.

11 (c) (1) Except for a limited licensee, the applicant shall have a certificate of
12 need, as required under Subtitle 1 of this title, for the hospice care program to be
13 operated.14 (2) THE COMMISSION MAY NOT GRANT A PERSON THAT OPERATES A
15 HOSPICE CARE PROGRAM:

16 (I) A STATEWIDE CERTIFICATE OF NEED; OR

17 (II) AUTHORITY TO OPERATE THE HOSPICE CARE PROGRAM
18 STATEWIDE THROUGH A COMMISSION RULING OR DETERMINATION.19 (3) A PERSON WHO ACQUIRES OR PURCHASES A GENERAL HOSPICE
20 CARE PROGRAM AND WHO IS AUTHORIZED BY THE COMMISSION TO OPERATE THE
21 PROGRAM ON A STATEWIDE BASIS PRIOR TO MARCH 1, 2003, MAY ONLY SERVE:22 (I) RESIDENTS OF ANY JURISDICTION IN WHICH SERVICES WERE
23 PROVIDED ON OR BEFORE DECEMBER 1, 2001; AND24 (II) RESIDENTS OF OTHER JURISDICTIONS WHO ARE DISCHARGED,
25 IMMEDIATELY PRIOR TO THE DELIVERY OF HOSPICE CARE SERVICES, FROM THE
26 HEALTH CARE FACILITY THAT ORIGINALLY OPERATED THE GENERAL HOSPICE CARE
27 PROGRAM.28 (4) A PERSON WHO ACQUIRES OR PURCHASES A GENERAL HOSPICE
29 CARE PROGRAM THAT WAS AUTHORIZED BY THE COMMISSION TO OPERATE ON A
30 STATEWIDE BASIS PRIOR TO MARCH 1, 2003, MAY ONLY SERVE:31 (I) RESIDENTS OF ANY JURISDICTION IN WHICH SERVICES WERE
32 PROVIDED ON OR BEFORE DECEMBER 1, 2001; AND33 (II) RESIDENTS OF OTHER JURISDICTIONS WHO ARE DISCHARGED,
34 IMMEDIATELY PRIOR TO THE DELIVERY OF HOSPICE CARE SERVICES, FROM THE

1 HEALTH CARE FACILITY THAT ORIGINALLY OPERATED THE GENERAL HOSPICE CARE
2 PROGRAM.

3 (3) (5) The hospice care program to be operated and its medical
4 director shall meet the requirements that the Secretary adopts under this subtitle.

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Health~~
6 ~~Care Commission shall review each of its rulings and determinations that, prior to~~
7 ~~the effective date of this Act, granted authority to operate a statewide hospice care~~
8 ~~program to ensure that the program continues to serve only those individuals who,~~
9 ~~immediately prior to entering the hospice care program, were receiving other care~~
10 ~~from a facility directly affiliated with the hospice care provider or within the hospice~~
11 ~~care provider's network.~~

12 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2003.